

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ROCKETSLED MERCHANDISE,

Plaintiff,

VS.

**UNITED STATES LIABILITY
INSURANCE COMPANY,**

Defendant.

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**CIVIL ACTION
NO. _____**

**DEFENDANT UNITED STATES LIABILITY INSURANCE COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. Sections 1441 and 1446, Defendant United States Liability Insurance Company, in Cause No. 067-293808-17, pending in the 67th Judicial District Court of Tarrant County, Texas, files this Notice of Removal from that court to the United States District Court for the Northern District of Texas, Fort Worth Division, because the proper parties are of diverse citizenship and the amount in controversy requirement is satisfied. In support of this Notice of Removal, Defendant respectfully shows:

**I.
FACTUAL BACKGROUND**

1.1 On August 10, 2017, Plaintiff, Rocketsled Merchandise ("Plaintiff") filed its Original Petition in the matter styled *Rocketsled Merchandise vs. United States Liability Insurance Company*; Cause No. 067-293808-17, in the 67th Judicial District Court of Tarrant County, Texas, in which Plaintiff asserts that Defendant conducted an improper investigation of Plaintiff's claim for damages and wrongfully denied Plaintiff's claim for damage to its property

under separate commercial property insurance policies issued by Defendant United States Liability Insurance Company (“USLIC”). In addition, Plaintiff also asserts claims against Defendant under the Texas Deceptive Trade Practices Act and Texas Insurance Code.

1.2 Plaintiff served Defendant, United States Liability Insurance Company with the citation and Plaintiff’s Original Petition on August 18, 2017. Defendant files this Notice of Removal within the thirty-day time period required by 28 U. S. C. Section 1446(b). Attached hereto as Exhibit “1” is the Index of State Court Documents. A copy of the Tarrant County Clerk’s file for this case is attached as Exhibit “2”, which includes true and correct copies of all executed process, pleadings and orders, and a copy of the docket sheet.

II.

BASIS FOR REMOVAL

2.1 Removal is proper based upon diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

A. THE PARTIES ARE OF DIVERSE CITIZENSHIP

2.2 Upon information and belief, and based on the allegations set forth in Plaintiff’s Original Petition, Plaintiff, Rocketsled Merchandise is a Texas Company with its principal place of business in Tarrant County, Texas. *See* Plaintiffs’ Original Petition at p.1.

2.3 Defendant United States Liability Insurance Company (“USLIC”) is an insurance business corporation with its principal place of business in Pennsylvania, and is a citizen of the State of Pennsylvania for diversity purposes. Accordingly, Defendant USLIC is of diverse citizenship to Plaintiff, Rocketsled Merchandise.

B. THE AMOUNT IN CONTROVERSY EXCEEDS THE JURISDICTIONAL REQUIREMENTS FOR SUBJECT MATTER JURISDICTION

2.5 The amount in controversy requirement for Federal diversity jurisdiction is clearly satisfied in this case as evidenced by Plaintiff's Original Petition in which Plaintiff expressly alleges that it "seeks monetary relief over \$200,000.00." *See* Original Petition at page 1. This amount clearly exceeds the jurisdictional requirements for subject matter jurisdiction, and demonstrates that the amount in controversy requirement is satisfied.

**III.
THE REMOVAL IS PROCEDURALLY CORRECT**

3.1 Defendant, USLIC was first served with Plaintiffs' Original Petition on August 18, 2017. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b).

3.2 Venue is proper in this District under 28 U.S.C. §1446(a) because this District includes the county in which the state action has been pending.

3.3 Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

3.4 Pursuant to 28 U.S.C. §1446(d), promptly after Defendant files this Notice, written notice of the filing will be given to Plaintiff, the adverse party.

3.5 Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of the Tarrant County District Court, after Defendant files this Notice.

IV.
DOCUMENTS AND EXHIBITS ACCOMPANYING REMOVAL

4.1 Simultaneously with the filing of this Notice of Removal, attached hereto as Exhibit “1” is an index of all documents filed in the state court action and a copy of each document.

4.2 Attached hereto as Exhibit “2” is a copy of the Docket Sheet/Case Summary of the case pending in 67th Judicial District Court of Tarrant County, Texas.

4.2A Attached hereto as Exhibit “2A” is a copy of Plaintiff’s Original Petition and Request for Disclosure.

4.2B Attached hereto as Exhibit “2B” is a is a copy of the Officer’s Return with Citation issued to United States Liability Insurance Company and return receipt signed my J. Daniel on August 18, 2017.

4.2C Attached hereto as Exhibit “2C” is a copy of Defendant United States Liability Insurance Company’s Original Answer.

V.
CONCLUSION

5.1 Based upon the foregoing, and other documents filed contemporaneously with this Notice of Removal and fully incorporated herein by reference, Defendant United States Liability Insurance Company hereby removes this case to this court for further proceedings.

Respectfully Submitted,

/s/Daniel P. Buechler

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**ATTORNEY FOR DEFENDANT
UNITED STATES LIABILITY
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that on the 13th day of June, 2017, a true and correct copy of the foregoing was delivered to the following counsel of record by electronic service and certified mail, return receipt requested:

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/s/ Daniel P. Buechler

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